

LICENSE TAX CASE ARGUED IN COURT

City Attorney Massey Testing
Claim of Light Company
That it is Exempt.

DECISION RESERVED
BY JUSTICE BROWN

Object of New Law Argued by City
Attorney and A. C. Braxton, Counsel
for Defendant Corporation—Consti-
tutionality Questioned—Water Com-
pany's Case Continued.

After listening for six hours to the arguments and citations of authorities by City Attorney J. A. Massey and Attorney E. M. Braxton, counsel for the defendant corporation, Police Justice J. D. G. Brown yesterday evening took under advisement the case of the Citizens' Railway, Light & Power Company, which appeared by counsel before the justice yesterday morning to answer the charge of doing business in this city without a license. Justice Brown has not intimated when he will render his decision in the case.

City Attorney Massey swore out warrants against this company and the Newport News Light & Water Company for the purpose of having the State courts pass upon the meaning of the text of the act of the last general assembly placing electric light, water and gas companies under the State Corporation Commission. The defendant companies have refused to pay the license tax to the city on the ground that the new law relieves them from the payment of such taxes to the city. The case directly affects practically every gas, water and light company as well as every municipality in the state and for that reason it is attracting widespread interest.

Technical Objection Raised.
When Justice Brown announced at 10 o'clock yesterday morning that he was ready to go into the hearing of the two companies, Attorney Braxton appeared for the light company and Attorney R. G. Bickford appeared for the water company. Mr. Bickford immediately announced that since the warrant against his company was directed against L. B. Manville, as superintendent of the company, and had not been served on Mr. Manville, but on an employee of the company, he would ask for a continuance until the proper service upon Mr. Manville could be had. Justice Brown granted this continuance and the warrant will be served on Superintendent Manville upon his return to the city Saturday and this company probably will be given a separate hearing in the near future.

Mr. Braxton announced that he would not raise any technical objection; that his company does not deny that it has not paid the license tax and that his company contends that it does not have to pay such tax. At the request of Mr. Braxton it was agreed to adjourn court to the Corporation Court room and to proceed with the argument of the case on the law.

Mr. Massey's Contention.
City Attorney Massey opened the argument by stating that the charter of Newport News gives the city a right to levy a license tax on public service corporations; that when this new act was passed the legislature certainly intended that the city should have such right and that the act was plainly meant to deal with state revenues only. This was shown, he said, by the fact that in several other acts passed by the legislature the same language was used as is used in the one under which the light, gas and water companies claim they are exempt from the payment of the license tax.

As the corporations rely upon section 7 of the new act to prove their

contention that they are relieved from payment of a license tax, it was to this section that the attorney addressed himself. Mr. Massey declared that when the measure was introduced the title of the act showed nothing to this city's representatives to indicate that the revenues of the city would be curtailed. Had it done so, he said, it undoubtedly would have been defeated. We declared that a general law must specify what laws are to be repealed by it and that this act does not specify that the measure allowing cities to levy license taxes on corporations was repealed by it. He further declared that had it been the purpose of the act to relieve the companies of the city license taxes, it was unconstitutional, as the legislature has no power to annul a contract between a city and a public service corporation.

Levy Taxes on Assessment.
Attorney Braxton contended that up to the time this act became a law the city had a perfect right to levy and collect a license tax and that the only question at issue was the construction of the language in the new law. He contended that the act relates to both the state and city taxes because of a provision in the act which sets forth that the act shall not prevent cities from levying taxes on the property of the corporations as assessed by the State Corporation Commission. The act further provides, he pointed out, that if the cities are not satisfied with the assessment as made by the corporation commission they may appeal to the commission for redress and if the commission refuses to reopen the assessment the cities may appeal to the Supreme Court of Virginia.

Mr. Braxton contended that if these sections had not been put into the law he would have taken it that the act applied only to state taxes, but that it seemed plain to him that the inserting of these provisions about the cities plainly meant that the law was intended to relieve the companies of all city taxes except those levied on the assessed value of the poles, wires, pipes and other personal and real property of the companies. The act requires the companies to make a full report on its poles, wires, pipes, and real estate and other property to the commission so that the commission may make the assessment. The law also provides that the companies shall pay a fine of one per cent to the state on their gross earnings and Mr. Braxton contended that this tax was in lieu of all other license taxes, city and state.

Many Authorities Cited.
Both attorneys cited many authorities in support of their respective contentions and argued at length on those authorities and it was late in the afternoon before the case finally was left with the court.
Should Justice Brown decide against the companies, the case will be appealed to the Corporation Court and if they lose there the companies will carry it to the Virginia Supreme Court. Officials of the companies say that even if the city does not get any license tax from the companies, the amount of the taxes to be hereafter paid by the city by the companies will be larger than that heretofore paid including the license tax. They base this statement upon the contention that the State Corporation Commission will make a much higher assessment of their property than the assessors have made. The amount of the license taxes paid by the two companies to the city is about \$5,000 per annum.

OPEN BIDS ON DREDGING CHANNELS NEXT MONTH

Col. Patrick Expects to Have Work
Completed by June 30,
1911.

Bids on the four dredging projects in and around Hampton Roads have been invited by Major M. M. Patrick, U. S. Army and will be opened next month. The bids for the Newport News Middle Ground channel, for which \$115,000 is allotted, will be opened on September 20.

The bids on the Thimble Shoal project, for which \$225,000 is set aside, will be opened on September 19 and the bids for the Norfolk harbor and channel improvements will be opened on September 21 and 22 respectively. Work on the various channels is to begin as soon as possible and Major Patrick expects that all of the work that can be done for the money thus far appropriated will be completed by June, 1911.

The Best Hour of Life.
Is when you do some great deed or discover some wonderful fact. This hour came to J. R. Pitt, of Rock Mt., N. C., when he was suffering intensely, as he says, "from the worst cold I ever had, I then proved to my great satisfaction, what a wonderful Cold and Cough cure Dr. King's New Discovery is. For, after taking one bottle, I was entirely cured. You can't say anything too good of a medicine like that." Its the purest and best remedy for diseased lungs, Hemorrhages, LaGrippe, Asthma, Hay Fever, Croup, Sore Throat or Lung Trouble. 50c. \$1.00. Trial bottle free. Guaranteed by All Druggists.

Miss Alma Barham wishes to announce that she will reopen her music class Sept. 6.

Ambulances—Call W. E. Rouse.

Just Try T. B. S. Special.

COOK WITH GAS

CHIEF IS MORE HOPEFUL

Thinks Richmond Prisoner May
be "Barefoot Man."

HAS NEW INFORMATION

Shoeless Negro Caught in Richmond
Residence Was Employed on Ivy
Avenue Boat When Robberies Were
Committed in This Section.

Though he has not yet received any additional information regarding the matter from the Richmond police department, Chief of Police Mitchell is strongly of the opinion that Charles Sales, the young negro arrested in Richmond last Saturday night while in the act of burglarizing a residence, may be the "barefoot-cigar-smoking burglar," who has so often robbed residences in this city, Hampton and other Tidewater towns.

One of the reasons why Chief Mitchell thinks this is the man who operated here is that on one occasion the burglar was traced to Ivy avenue after robbing a house in this city and Sales was at that time employed on the ferry steamer plying between Ivy avenue and Sewall's Point. When arrested Sales had no shoes on, having left them on the back porch of the house before entering it by the back door. He had no socks.

Traced by Foot Prints.

Last winter when the home of Manus Meyers, 2100 Chestnut avenue, was burglarized, Patrolman Lattimer traced the burglar to Ivy avenue by his foot-prints. These prints showed that the man had come from Ivy avenue, going over that avenue to Twentieth street, then to Madison avenue and to Twenty-first street, out that street to the old shoe factory, then across to Hampton avenue and along that avenue to Oakoke avenue. There he turned up that avenue to Twenty-first street and went to the Meyers' home. On the night of the robbery the ferry steamer was tied up at the Ivy avenue pier.

It is the theory of the police that the man went up Ivy avenue from the steamer, pulled off his shoes and then proceeded in his sock feet to the Meyers' home which had been robbed several times before. No trace of the man could be found leaving the house and the police think that after making the "haul" he put his shoes on again and walked away without leaving any tracks by which he could be traced.

A Coincidence.

There is the possibility that more than one man operated here, but it is regarded as a rather significant coincidence that when he tried to rob the Gunter home this year and was chased away that the negro headed for the River Road. The bloodhound was put on his trail and traced him to the passenger depot. The man entered the depot and his trail became confused in the foot tracks of the passengers who afterwards entered the station. The police thought then and firmly believe now that the man went down the River Road and on to Ivy avenue.

Unless the negro confesses to his robberies there probably is no way of proving that he ever operated here as no trace has ever been found of any of the goods that he stole. Sales has been held for the action of the grand jury in Richmond and he undoubtedly will be sent to the penitentiary when he is tried in the higher court.

SOCIAL-PERSONAL.

Miss Helen Payne, daughter of Mr. and Mrs. George F. Payne, of 1240 Hampton avenue, and Charles Lewis Spradlin, of this city, will be married at 9 o'clock this morning at the bride's home. Rev. P. B. Hendler, pastor of the Second Presbyterian church, will perform the ceremony. The wedding is to be very quiet and will be witnessed by only a few of the immediate relatives.

Miss Payne has lived in this city for many years and is popular with a host of friends. She is a graduate of the local high school. Mr. Spradlin is a young pharmacist who has lived here several years and is well known.

Mr. and Mrs. E. W. Milstead will leave today for Warm Springs, Va., where Mr. Milstead, who has been ill for several weeks, will take the sulphur baths.

Mr. and Mrs. James E. Abbe and little daughter and Mr. and Mrs. Thomas A. Reynolds left yesterday for York county, where they will spend the remainder of the week.

Miss Florence Holt, who has been visiting Mrs. Lawrence Briddy at her summer home in New Canaan, Conn., returned to this city yesterday morning.

Mrs. F. O. Goodwin, who has been visiting relatives in Lynchburg, will return home today.

Mrs. Cora Belletot and little daughter

and Mrs. Edward O. Ball will leave today for Clifton Forge and White Sulphur Springs, Va., where they are to spend two weeks.

Mr. L. J. Robinson will leave today for New York, where he will spend two weeks.

Mrs. John N. Martin will return today from Richmond, where she has been visiting relatives for several weeks.

Mrs. M. S. Llewellyn, who was operated upon at the Elizabeth Buxton hospital Tuesday for appendicitis, is reported to be rapidly improving.

Miss Genevieve Ball has gone to Pulaski, Va., to spend several weeks with Mrs. Marsh.

Mr. Henry Bolling is ill with typhoid fever at his home in North End.

Masters Leonard and Walter Colwell left yesterday for Portsmouth, where they will visit their grandparents, Mr. and Mrs. C. B. Roane.

Miss Fannie Blackman has as her guest here, Miss Clara Goldhead, of Philadelphia.

Mrs. G. W. Maddrea, on Twenty-eighth street, has as her guest, Mrs. Elizabeth Johnson, of Petersburg.

Mrs. M. W. Gayle will leave today for Charlottesville, Va., where she will visit friends.

Mr. Ernest Starr, of Raleigh, N. C., who has been visiting his parents, Dr. and Mrs. W. G. Starr, on Twenty-eighth street, will leave today for Chicago to visit friends before returning to Raleigh.

Mrs. George E. Via and daughter, Mrs. Louis Littlepage, of Norfolk, will leave today for Charlottesville, where they will spend several days.

Mr. Julian Wheeler leaves today for White Sulphur Springs, Va., for a visit of a week.

Miss Maude Ward, who has been visiting Miss Ida Hassel, on Twenty-seventh street, has returned to her home in Norfolk.

Mrs. M. A. Finch and daughters have returned from New York and are guests at the Warwick hotel.

Mr. C. C. Mitchell leaves today for the mountains of Virginia for a visit of two weeks.

Mr. and Mrs. J. M. Saunders and daughter, Miss Roberta, and Misses Elton and Hazel Weaver, will leave this week for Natural Bridge, Va.

Miss Nannie Burcher, of Grafton, is visiting her uncle, Mr. George W. Burcher, on Huntington avenue.

Miss Madeline Jones will leave today for Charlottesville, where she will spend two weeks with relatives.

Mr. and Mrs. W. T. Wilson, of East End, are visiting relatives in Littleton, N. C.

Mr. and Mrs. W. M. Taylor, who have been visiting relatives in Winston-Salem, N. C., have returned home.

Mrs. W. E. Breazeale attended the wedding of her niece, Miss Louise Wellford Owen, to Henry Clay Beattie Jr., which took place at Richmond yesterday.

Miss Fannie Blackman, who has been visiting at Ocean View, has returned home.

Mrs. B. F. Womble is visiting relatives in Smithfield.

Mrs. E. T. Tucker leaves today for White Sulphur Springs, Va., where she is to visit her sister, Mrs. Worlimer, for several weeks. Before returning home she will spend some time at Hot Springs, Va.

Mrs. C. M. Trego and daughter, Miss Clara, are visiting relatives in Camden, N. J.

Mr. B. R. Greaves, who has been visiting friends here, has returned to his home in Smithfield.

Misses Alma and Jesse Barham, Mary Putzel and Mrs. J. Holmes McMurren will leave today for Niagara Falls, Thousand Islands and Canada for a visit of three weeks.

DR. JONES OFF FOR EUROPE.

Will Take Special Course in University at Edinburgh.

Dr. Clarence Porter Jones left last night for New York, where today he will board the Hamburg-American liner Cincinnati for Europe. He will land at Cherbourg on August 24 and proceed to Oberammergau to witness the Passion Play on August 31. He will attend the British-Japanese Exposition in London on September 2 and 3 and will then go to the University of Edinburgh to take a special post-graduate course in the treatment of the ear, eye, nose and throat diseases. The course is to last four weeks and Dr. Jones expects to return home about October 10.

How's This?

We offer One Hundred Dollars Reward for any case of Catarrh that cannot be cured by Dr. King's New Life Pills. We, the undersigned, have known F. J. Cheney for the last 15 years and believe him perfectly honorable in all business transactions, and financially able to carry out any obligations made by him.

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Five Negroes Jailed.
Odell Wallace and Carrie Stevenson, Effie Shelton, Mary Bailey, all negroes, the last three being girls sixteen-years-old, were placed under heavy bonds by Justice Brown yesterday morning and went to jail in default. Wallace was charged with running a disorderly house and the women were charged with being not of good fame. Patrolmen Messick and Price raided the house shortly after midnight Tuesday night and arrested the quartette.

For Riding on Sidewalk.
B. O. Harris was fined \$2.50 by Justice Brown in the police court yesterday morning for riding a bicycle on the sidewalk. He paid the fine.

Struck a Rich Mine.
S. W. Bonds, of Coal City, Ala., says he struck a perfect mine of health in Dr. King's New Life Pills for they cured him of Liver and Kidney Trouble after 12 years of suffering. They are the best pills on earth for Constipation, Malaria, Headache, Dyspepsia, Debility. 25c at All Drugists.

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